REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 24, 2005 ("*Office Action*"). The Examiner rejects Claims 1-3, 5-12, 14-20, 22, 23, and 25-31. Applicant amends Claims 1, 4, 6, 13, 14, 21, 22, 24, 25, and 32. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. §103

The Examiner rejects Claims 1-3, 5-12, 14-20, 22, 23, and 25-31 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,522,880 to Verma, et al. ("*Verma*"), in view of U.S. Publication No. 2001/0036834 to Das, et al. ("*Das*"), and further in view of U.S. Patent No. 6,070,075 to Kim ("*Kim*").

The Examiner previously indicated in an Office Action dated June 3, 2004 that selected dependent claims would be allowable if rewritten in independent form. To hasten issuance of the allowable subject matter, Applicant amended the claims in a response of September 3, 2004. Applicant noted in this response the firm belief that the claims as originally submitted were allowable over the cited art. Since the Examiner now rejects all claims, even those previously indicated as allowable, using basically the same references, Applicant now amends all claims to their original form. Further, Applicant respectfully submits that the cited references fail to teach or suggest each and every element of Applicant's claims. Rather, the references teach away from Applicant's claims. Consider independent Claim 1, as presently presented in its original form, which recites:

> 1. A system for distributing packets for communication to a mobile unit comprising:
>
> a mobile unit having a device identifier and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier;
>
> a mobility manager operable to determine a multicast address for the mobile unit based on the device identifier, to receive multicast address requests that include the device identifier, and to communicate the multicast address responsive to the multicast address requests;
>
> a foreign agent in the foreign network, the foreign agent operable to detect the mobile unit, to determine the device identifier for the mobile unit, to communicate a request

> including the device identifier to the mobility manager, to receive the multicast address from the mobility manager, and to register for a multicast group identified by the multicast address; and
>
> a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network.

Applicant respectfully submits that Claim 1 includes numerous limitations not taught or suggested by the cited references. As the primary reference for the multicasting aspects of Claim 1, the Examiner relies on *Das*. Since the filing date of *Das* falls after Applicant's filing date, Applicant refers instead to the provisional application upon which *Das* relies for a filing date (the *Das Provisional*).

The *Das Provisional* discloses a technique for multicasting during handoff and discusses this technique at pages 7-9 of its Appendix A. The technique disclosed by the *Das Provisional* requires a mobile node (MN) to initiate the multicasting process. The *Das Provisional* discusses this, stating:

> To minimize packet loss during the handoff process, the MN can initiate a request to the old FA to 'multicast' it packets for a limited period of time.

Das Provisional, App. A at page 7. Therefore, the *Das Provisional* teaches a process initiated by the mobile node. The statement cited above also highlights another aspect of the technique disclosed by the *Das Provisional* – that the foreign agents (FAs) handle multicasting of packets.

The *Das Provisional* continues its description on page 8, stating that the mobile node initiates the multicasting by sending a message to its current foreign agent, which forwards the message to a mobility agent (MA). The *Das Provisional* then recites how the MA handles the message, stating:

> On reception of this message from the FA, the MA consults its tables and determines the multicast group that identifies the neighbors of [the FA].

Das Provisional, App. A at page 8. With respect to the multicast group information maintained in the tables, the *Das Provisional* establishes that:

> Since the set of neighboring subnets is well-established, the membership of this multicast group is always stable. We thus avoid the latencies associated with the dynamic formation of this group (e.g., latencies involved with Join messages in typical IP multicasting protocols).

Das Provisional, App. A at page 8. This statement firmly establishes that the multicast groups used in the *Das Provisional* are preestablished, stable groups (and are not dynamic).

Therefore, the *Das Provisional* discloses that (a) the mobile node initiates the process; (b) the process uses pre-established, stable multicast groups; and (c) multicasting is handled at the foreign agent, not at the home agent. This disclosure fails to teach numerous aspects of Applicant's claims. For example consider the foreign agent of Applicant's Claim 1, which recites:

> a foreign agent in the foreign network, the foreign agent operable to detect the mobile unit, to determine the device identifier for the mobile unit, to communicate a request including the device identifier to the mobility manager, to receive the multicast address from the mobility manager, and to register for a multicast group identified by the multicast address;

Also, consider the home agent of Applicant's Claim 1, which recites:

> a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network.

The *Das Provisional* simply fails to teach or suggest these aspects. Rather, the *Das Provisional* specifically teaches away from Applicant's claims, stating that the *Das* technique avoids dynamic formation of multicast groups and any registrations for multicast groups.

Therefore, the *Das Provisional* expressly teaches away from the operation of elements in Applicant's claim, such as the foreign agent. *Verma* and *Kim* fail to remedy the deficiencies of the *Das Provisional.*

For at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claim 1. For reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claims 6, 14, 22 and 25. Furthermore, because the remaining claims depend from independent claims shown above to be allowable over *Verma*, *Das* and *Kim*, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of all of the dependent claims.

Conclusion

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

A Request for Extension of Time and a check in the amount of $120.00 are enclosed herewith. The Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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Date: June 7, 2005

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